

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

TRAVELERS CASUALTY AND SURETY COMPANY as
Administrator for RELIANCE INSURANCE COMPANY,
Plaintiff,

vs.

DORMITORY AUTHORITY - STATE OF NEW YORK,
TDX CONSTRUCTION CORP. and KOHN PEDERSEN
FOX ASSOCIATES, P.C.,

Defendants.

DORMITORY AUTHORITY OF THE STATE OF NEW
YORK and TDX CONSTRUCTION CORP.,

Third-Party Plaintiffs,

vs.

TRATAROS CONSTRUCTION, INC.,

Third-Party Defendant.

TRATAROS CONSTRUCTION, INC. and TRAVELERS
CASUALTY AND SURETY COMPANY,

Fourth-Party Plaintiffs,

vs.

CAROLINA CASUALTY INSURANCE COMPANY;
BARTEC INDUSTRIES INC.; DAYTON SUPERIOR
SPECIALTY CHEMICAL CORP. a/k/a DAYTON
SUPERIOR CORPORATION; SPECIALTY
CONSTRUCTION BRANDS, INC. t/a TEC; KEMPER
CASUALTY INSURANCE COMPANY d/b/a KEMPER
INSURANCE COMPANY; GREAT AMERICAN
INSURANCE COMPANY; NATIONAL UNION FIRE
INSURANCE COMPANY OF PITTSBURGH, PA.;
UNITED STATES FIRE INSURANCE COMPANY;
NORTH AMERICAN SPECIALTY INSURANCE
COMPANY; ALLIED WORLD ASSURANCE COMPANY
(U.S.) INC. f/k/a COMMERCIAL UNDERWRITERS
INSURANCE COMPANY; ZURICH AMERICAN
INSURANCE COMPANY d/b/a ZURICH INSURANCE
COMPANY; OHIO CASUALTY INSURANCE
COMPANY d/b/a OHIO CASUALTY GROUP;
HARLEYSVILLE MUTUAL INSURANCE COMPANY
(a/k/a HARLEYSVILLE INSURANCE COMPANY,);

Case No. 07-CV-6915 (DLC)
ECF CASE

**TRATAROS
CONSTRUCTION, INC.'S
ANSWER TO CROSS-CLAIM
OF COSENTINI
ASSOCIATES, INC.**

JOHN DOES 1-20 and XYZ CORPS. 1-19,

Fourth-Party Defendants.

KOHN PEDERSEN FOX ASSOCIATES, P.C.,

Third-Party Plaintiff,

vs.

WEIDLINGER ASSOCIATES CONSULTING
ENGINEERS, P.C., CASTRO-BLANCO PISCIONERI
AND ASSOCIATES, ARCHITECTS, P.C.,
ARQUITECTONICA NEW YORK, P.C., COSENTINI
ASSOCIATES, INC., CERMAK, PETERKA PETERSEN,
INC., JORDAN PANEL SYSTEMS CORP., TRATAROS
CONSTRUCTION, INC. and LBL SKYSYSTEMS (U.S.A.),
INC.,

Third-Party Defendants.

Third-Party Defendant/Fourth-Party Plaintiff, Trataros Construction, Inc. (“Trataros”), by and through its attorneys, Dreifuss Bonacci & Parker, LLP, as and for their Answer to the counterclaims and cross-claims of Third-Party Defendant, Cosentini Associates, Inc. (hereinafter, the “Cross-Claim”), alleges as follows:

ANSWER TO CROSS-CLAIM

1. Trataros is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 46 of the Cross-Claim, except denies said allegations to the extent they allege liability on the part of Trataros.

2. Trataros is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 47 of the Cross-Claim, except denies said allegations to the extent they allege liability on the part of Trataros.

WHEREFORE, Trataros demands judgment against Third-Party Defendant, Cosentini Associates, Inc. for the following relief:

- a. dismissal of the Cross-Claim with prejudice;

- b. award of attorneys fees, costs and disbursements; and
- c. such other and further relief as the Court deems just and proper.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The Cross-Claim fails to state a cause of action upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

The Cross-Claim is barred by the doctrine of estoppel.

THIRD AFFIRMATIVE DEFENSE

The Cross-Claim is barred by the doctrine of unclean hands.

FOURTH AFFIRMATIVE DEFENSE

The Cross-Claim is barred by the doctrine of waiver.

FIFTH AFFIRMATIVE DEFENSE

The Cross-Claim is barred as they may not properly be interposed in this action.

SIXTH AFFIRMATIVE DEFENSE

The Cross-Claim is barred under the doctrine of release.

SEVENTH AFFIRMATIVE DEFENSE

The Cross-Claim is barred by documentary evidence.

EIGHTH AFFIRMATIVE DEFENSE

Trataros reserves its rights to rely upon any and all additional defenses available to it, and all Defendants, third-party defendants, fourth-party defendants, and other parties to the above-captioned matter, and any and all defenses asserted by Trataros against claims or counter-claims asserted by any party to this action.

NINTH AFFIRMATIVE DEFENSE

Trataros reserves its rights to rely upon any and all additional defenses which may be disclosed during discovery in the within action.

Dated: Florham Park, New Jersey
April 8, 2008

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TO: see attached Service List

Travelers Cas. and Sur. Co. v. Dormitory Auth. – State of N.Y., et al.
United States District Court, Southern District of New York
Civil Action No. 07-CV-6915

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